

**This form will report compliance with your permit as determined by an NRW officer**

Site	WENVOE QUARRY WENVOE CARDIFF ,	Permit Ref	AN0240501	
Operator/Permit holder	CEMEX UK MATERIALS LTD			
Regime	WaterQuality			
Date of assessment	21/05/2018	Time in	09:00	Out 17:00
Assessment type	Audit			
Parts of the permit assessed	All			
Lead officer's name	Taylor, Richard			
Accompanied by				
Recipient's name/position	Miranda Clegg/ Regional Environment Manager	Date issued	03/07/2018	

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
<p><b>KEY:</b> See Section 5 for breach categories, suspended scores will be indicated as such.  <b>A</b> = Assessed or assessed in part (no evidence of non-compliance), <b>X</b> = Action only,  <b>O</b> = Ongoing non-compliance, not scored.</p>		

<b>Number of breaches recorded</b>	<b>0</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	0
------------------------------------	----------	---	---

**If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Cemex landfill site

The purpose of this Compliance Assessment Report (CAR) is threefold.

To record the site inspection on 21<sup>st</sup> May 2018; To document the annual submissions from site returns; And to record next steps for the site on reaching capacity.

### 1. Site Inspection

Present – Miranda Clegg; Simon Gould; Martin Hearn (all Cemex); Richard Taylor (NRW)

#### 1.1. Site status

Site are allowed an infill rate of 200,000 tonnes per year. 2017 totals show 49,000m<sup>3</sup> tonnes was accepted on site during 2017 leaving a void capacity estimated at 45,000m<sup>3</sup>. The site reported verbally during the site meeting that they have received approximately 20,376 m<sup>3</sup> during 2018 – leaving a void space of approximately 21,000 m<sup>3</sup>. At current fill rates this would see the landfill capacity reached before the year end.

#### 1.2 Waste Acceptance

The types of waste permitted for acceptance on site were pinned up in the site Office and were readily available. These were checked against the current permit and found to match schedule 3 of the current permit variation LP3630MR. At the time of the visit several lorries turned up on site and the waste acceptance procedure was witnessed and was suitable for the operation and conformed with the procedures laid down in the permit and the landfill directive. However, Cemex have developed a system of 'long WIF's and short WIF's. A copy of each of these was requested on the day. The Short WIF was found to comply with the requirements of permit condition 2.8.10 for content required. The corresponding long WIF was not supplied, but not needed at this stage for checking basic compliance. An example of waste acceptance criteria test results was sent showing that the sample identified from 15 May 2018 underwent a leachate test and was shown to meet the landfill directive waste acceptance criteria in this case.

During the visit, one waste load was rejected by site as being too odorous. No contact was made to other neighbouring sites to warn of odorous material within the vicinity. This is an area where the site need to review their waste rejection system. The load was reported to be rejected from site with no other site within the locality notified (within the Cemex group or external). Site could improve the management of rejected loads by introducing a warning system to other receivers and possibly include notification to NRW that rejected loads are within the vicinity. This could reduce the presence of fly tipped loads. **Suggestion – Cemex should evaluate whether to alert local sites for rejected loads, including the possibility of notifying NRW of the operator’s details.**

Several other loads were allowed through and were witnessed moving up to the tipping area. Paperwork checks and camera surveillance of the loads is carried out from the gate office with further cameras recording real time data at the tipping face. Waste records are loaded electronically to a central database with limited access, and hard copies are filed in Cemex Offices. No weighbridge is installed at this site. Tare weights are ticketed before the arrival with loads scheduled in throughout the day. Most loads are from regular customers. **Site need to be aware of the permit requirements at 2.8.5(b) where deposited loads are to be visually inspected.**

### **1.3 Site Tour**

No invasive species was witnessed on the site walk round. There was no vermin, pest presence, or birds seen. No odour, no fly tipping, and no excessive noise was witnessed. On the entrance road to site, there was no mud present on the road, and security was good with only one access point by road leading to the offices. No areas were prevented from being inspected. The walk took in the wheel wash, the current tipping phase and took in the whole length of the site to the back perimeter fence.



Pic 1 above shows the wheelwash with the pool run off area beyond. No detergent is used by site, only water. Runoff is allowed to pool at the bottom of site where a retaining earth ditch is positioned to hold back excess surface runoff. Overtopping due to excess rain is possible. Site need to be vigilant that site run off does not pollute off site areas especially as permit condition 3.3.1 requires the site to minimise the risk of pollution from site. This is a weak area of site management where the site runoff could breach the retaining soil bund in heavy rain. The permit conditions require the site to take 'appropriate measures' to ensure no fugitive emissions take place. The maintenance of this perimeter bund to control pooling water is considered a minimum requirement by NRW and we will look to ensure this earth bund is inspected and maintained regularly to reduce this risk.



Pic 2 above – Shows the latest offload comprising stones and red mud. Occasional concrete fragments were present which fitted the sites permitted material list.

#### 1.4 Site Documentation

A list of required documents was sent to site to clarify the site operations; The documents and subsequent actions are recorded below.

Document	Action
----------	--------

<p>1. Latest Site protection and monitoring programme (SPMP). required by permit condition (1.2.1) which requires a review every 4 years.</p>	<p>Email reply to query states that the SPMP is part of the annual return as well as being referenced within the latest HRA assessment (April 2016). However, no reference could be found in relation to the SPMP. Because of this, <b>the site is in breach of condition 2.10.2 and is required to provide an updated version of the SPMP with immediate effect.</b></p> <p>Update - A deadline of 1st Aug2018 has been subsequently agreed with site.</p>
<p>2. An example of a 'Long Wif' (from last 6 months)</p> <p>3. Example of a 'Short Wif'</p>	<p>Example not sent – however, now not needed because the short WIF meets the basics of the landfill waste acceptance criteria, and the lab testing results show an example of the components of the waste needed to satisfy the waste acceptance legislation.</p> <p>Example sent from 29/5/18 showing EWC code 17 05 04 soil and stones of quantity 1500 m3 received on site. This meets the basic criteria needed.</p>
<p>4. A total of how much waste was accepted in 2018 to date – and an estimation of remaining capacity.</p>	<p>Site confirmed by email dated 1<sup>st</sup> June 18 that the remaining capacity is 21,500m3. This corresponds with the declared amounts on the site annual returns and current filling rates.</p>
<p>5. An example of a WAC analysis (every 100<sup>th</sup> load) from 2018.</p>	<p>As mentioned in '2' above, the example provided for sample dated 5<sup>th</sup> May 2018 showing results from independent lab identifying waste meets Inert waste acceptance criteria in all tested parameters.</p>
<p>6. Site sent their water tracking spreadsheet which also includes recent gas tracking data.</p>	<p>Spreadsheet used to track the site performance and historic trends. Several missed samples are shown which were queried. This is discussed in further detail below.</p>
<p>6. Additionally permit condition 2.9.3 requires the site to carry out a review of the Site Closure plan every 4 years</p>	<p><b>Site are to carry out a review of the plan and send an updated copy to NRW to satisfy this permit condition.</b> The items under 2.9 need to be enabled for the site to enter its closure period. The deadline for this shall be sent via separate e email and be the same as the SPMP mentioned in '1' above. <b>(now 1st Aug 18).</b></p>

## 2.0 Annual returns review

Site sent an annual report on time for the year 2017. This was received by NRW on 31st Jan 2017 required by permit condition 4.2.1. Embedded within the report is the annual topological assessment which fulfils a separate permit requirement at pc 3.6.3 and used to carry out the remaining void space assessment. No mention of the Site protection and monitoring programme could be found within the document.

## 2.1 Site Monitoring.

At 3.2.1. site states that the BH13 and 14 boreholes were not dipped due to inaccessible vegetation grass growth for a period between June and September 2017. (BH9 was reported as dry at this time). Also at Annex B the table shows that BH1 groundwater level could not be found on June, July and September, with it being inaccessible in October.

This is a contravention of permit condition 3.6.1 which requires the monitoring from these locations to be carried out monthly. Access to the monitoring locations for the sampler should be maintained for that purpose. Missed samples need to be reported to NRW as soon as possible. The site protection and monitoring programme (last dated May 2005) at B1.2 (6) carries a requirement to ensure access to the sampling point is maintained. NRW has no record of agreement with any suspension of the monitoring programme at this time. A verbal agreement was reportedly made between the previous NRW Officer and the site, but there are no records of this on NRW systems and no notes are available.

Site need to carry out the monitoring requirements of the permit. Access to monitoring locations needs to be planned so that vegetation can be cut back to gain access. Contact with land owners who refuse access to the sampling points, or refuse to cut back vegetation to allow access need to be recorded as evidence that an attempt was made. Dry wells and boreholes need to be recorded and reported as found.

Decision – NRW will not take action for previous missed samples due to the low pollution risk posed by site, as well as the reported verbal agreement with the previous site Inspector. We recognise that this was made in good faith and are willing to start afresh with the permit conditions as laid out with the new Officer (RT). Therefore to re-establish the permit monitoring regime, site need to fulfil the permit requirements for monitoring. **If monitoring cannot be made, we need to informed as soon as practicably possible with reasons why.** (Contact site Officer RT is acceptable). Future missed samples without notification will be dealt with as permit breaches and incur penalties. This decision takes immediate effect.

## 2.2 Site Protection and Monitoring Programme (SPMP)

The last SPMP submitted by site was dated May 2005. Permit condition 1.2.1 requires the operator to review the plan at least every 4 years and incorporate any changes from the review. **Action – site to send updated site SPMP at the earliest opportunity. (now 1st Aug 2018)** Note, this is not found as part of the site annual report or the latest HRA assessment.

## 2. Site Closure plan

The site is nearing its capacity. At current filling rates, this should be reached before the year end. At this

point the site should consult the permit condition regarding the site closure plan (**Pc2.9.4**) and put this into place to ensure pollution from the site is minimised. Site need to be aware that there is a requirement for closed sites to apply to submit their current permit. Application forms are available from the permitting section of the NRW website.

<https://naturalresources.wales/permits-and-permissions/installations/apply-to-surrender-an-installations-permit/?lang=en>

The EPR Regs 2016 have an onus on the regulator to ensure a closing landfill site conforms to the Landfill Directive 13(d) (found here on page 47)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69347/pb13563-landfill-directive-100322.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69347/pb13563-landfill-directive-100322.pdf)

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0033569**

**This form will report compliance with your permit as determined by an NRW officer**

Site	WENVOE QUARRY WENVOE CARDIFF ,	Permit Ref	AN0240501
Operator/Permit holder	CEMEX UK MATERIALS LTD	Date	21/05/2018

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.